

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIV 10-1087 BB/KBM

CECIL BRET RILEY and  
LAURA RILEY,

Defendants.

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court sua sponte. FED. R. CIV. P. 4(m) provides:

If a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time . . . .

Plaintiff filed this Complaint on November 16, 2010. (*Doc. 1*). More than 120 days have elapsed since then, and there has been no further activity in this case. The inherent power of the Court to dismiss for lack of prosecution is well-established. *AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1233, 1236 (10<sup>th</sup> Cir. 2009). Therefore, pursuant to FED. R. CIV. P. 41(b), Plaintiff is directed to show good cause within ten (10) days of the date of this notice, why this action should not be dismissed for failure to prosecute. Plaintiff is advised that this action will be dismissed thirty (30) days from the date of this Notice unless good cause is shown for its retention on the Court's docket.

  
UNITED STATES MAGISTRATE JUDGE